



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

March 20, 2012

BY OVERNIGHT DELIVERY

Long Island Railroad Company
Attention: Helena E. Williams, President
9302 Archer Avenue
Jamaica, NY 11435-4380

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Ms. Williams:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund.

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries. Further information about the Newtown Creek Superfund site is available on EPA Region 2's website at: <http://www.epa.gov/region02/superfund/npl/newtowncreek/>.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action

pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800s, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800s. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls, and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. The Long Island Railroad Company ("LIRR") is receiving this letter because EPA believes that the company currently or in the past owned and operated facilities adjacent to or in very close proximity to Newtown Creek proper and to its Dutch Kills tributary, and that the LIRR may have discharged or released hazardous substances that ended up in Newtown Creek.

Please note that EPA's investigation of the sources of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from your company about its ownership or operation of your company's facilities.

INFORMATION REQUEST

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response

to the attached Request for Information should be submitted to EPA within 60 calendar days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information (in hard copy and pdf) should be sent to:

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866
mintzer.michael@epa.gov

with a copy (in pdf only) to:

Caroline Kwan
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

A handwritten signature in black ink, reading "Nicoletta DiForte". The signature is written in a cursive, flowing style.

Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. Please provide one hard copy as well as a pdf copy (on diskette) of your response and documents to Mr. Mintzer, and one pdf copy (on diskette) to Ms. Kwan.
4. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.
5. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.
6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
12. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross reference the responses so that you do not need to provide a duplicate response or duplicate documents.

13. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).
14. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:
 - a. the portions of the information which are alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term “Newtown Creek” shall refer to Newtown Creek, and shall include its five branches or tributaries, respectively Dutch Kills, Maspeth Creek, Whale Creek, East Branch, and English Kills. References to “Newtown Creek proper” shall refer to Newtown Creek exclusive of tributaries.
2. As used herein, the term “Site” shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to the Newtown Creek have come to be located.
3. As used herein, the term “hazardous substance” shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of “hazardous substance” under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms “hazardous waste,” “disposal,” and “storage” shall have the meanings set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
5. As used herein, the term “industrial waste” shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more “hazardous substances” (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a “hazardous waste” as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
6. As used herein, the term “release” shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

7. As used herein, the term "Company" refers to the addressee of this letter and its current and past constituent and affiliated entities that may have owned, controlled, leased or operated or had rights to operate at the Facility.
8. As used herein, the term "affiliate" or "affiliated" refers to all entities now or formerly controlling, controlled by or in common control with the Company, and whether currently in existence or no longer in existence.
9. As used herein, the terms "Facility" or "Facilities" shall mean the real properties, bridges and other structures or improvements including, without limitation, railroad infrastructure now or formerly owned or operated by the Long Island Railroad and located in, on, or over or within 1,000 feet from Newtown Creek (including Dutch Kills, English Kills and any other tributary of Newtown Creek).
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (*e.g.*, corporation, partnership, business trust, etc.), a brief description of its business and its ultimate parent corporation.
12. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
 - a. The full legal, corporate name and mailing address of the Company.
 - b. The state and date of incorporation, and the agent for service of process of the Company.
 - c. Provide copies of and citation to New York State statutes providing for the incorporation of the Company and its qualification to do business in the State of New York, including amendments to such statutes.
 - d. The Chief Executive Officer or other presiding officer of the Company and the mailing address of that officer.
 - e. The General Counsel or environmental of the Company with responsibility for federal Superfund matters and the mailing address, e-mail address and telephone number of that person.
 - f. If the Company is a subsidiary, division or affiliate of another corporation or other entity, identify each such entity, the Chief Executive Officer or other presiding officers of each such entity and the mailing address of each such entity.
2. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

Section 2.0 Identification of Facilities and Company's Ownership or Operation

3. Identification of Facilities. Identify all Facilities ("Facilities" is defined at Definition number 9) now or formerly owned or operated by the Company. For each Facility, identify:
 - a. The nature of the Company's ownership (or, if not owned, the nature of the Company's interest (leasehold, license, etc.)) in the Facility;
 - b. the principal business and each other line of business conducted by the Company at the Facility;
 - c. the date or dates of construction of the infrastructure on the Facility;
 - d. the date of acquisition and, if no longer owned, the date of disposition;
 - e. leases or other operating agreements permitting other entities to use the Company's Facility or other infrastructure;
 - f. Provide a map (e.g., Company map or Google Map or similar) or schematic depicting and locating each Facility for all periods of the Company's ownership or operation of such Facility; and

- g. Provide a copy of the deed, lease, license, or other instrument by which the Company acquired title or right to use each Facility.

4. Facilities Adjacent to or In, On or Over Newtown Creek.

- a. Facilities Adjacent to Newtown Creek. Identify which of the properties now or formerly owned or operated by the Company are located either adjacent to or in, on, or over Newtown Creek. Please locate all such facilities on a map. Without limitation, please address properties adjacent to Newtown Creek even if not currently owned or operated by the Company. A publication "Newtown Creek Navigation Analysis" (herein called Kosciuszko Bridge Project Report) (available on line at <https://www.dot.ny.gov/content/delivery/region11/projects/X72977-Home/X72977-Repository/appendix%20f.pdf?nd=nysdot>) states that the LIRR built "a new 1,000-acre freight terminal around 1907 along Newtown Creek east of Dutch Kills on property bought from Calvary Cemetery, including several short piers intended to handle heavy freight such as brick, coal, lumber and ice." (Kosciuszko Bridge Project Report, page II-5). Please confirm the Company's ownership or operation of the 1,000 acres referred to, locate such properties on a map, provide a copy of the deed or deeds or lease or leases by which the Company acquired the property or the rights to operate the property, and identify which of those properties are still owned or operated by the Company and identify subsequent transfers of all or part of the properties. Please also locate the Bliss Yard and Yard A on a map and identify operations conducted at such yards and the period of such operations.
- b. Facilities In, On or Over Newtown Creek. Identify all piers, wharves or docks in, on or over Newtown Creek. Include in such identification: the location of such facilities, the infrastructure associated with them, the use to which the facilities were employed by the Company, the location of such facilities on a map or drawing, the Company's right, title or interest in such facilities and in and to the lands under water on which the facilities were constructed, and whether the facilities are currently owned and operated by the Company or if owned and leased or licensed for operation by others. (See Kosciuszko Bridge Project Report page II-5 which identifies several short piers and page IV-12 which discusses wharves owned by the Company but leased to others for operation).

5. Bridges Owned or Operated by the Company Over Newtown Creek.

- a. Identify bridges now or formerly owned or operated by the Company over Newtown Creek (including, without limitation, Dutch Kills and English Kills) and specify the dates of ownership or operation.
- b. Identify the Company's title or other ownership or operating rights to the bridges including any leasehold or license to use the bridges.
- c. Identify the rights, title and interest of the Company to the real property and to the Creek bed below the bridges, including the real property on which the bridges is built or anchored.

- d. Identify all leases or operating agreements between the Company and other railroad entities permitting such other entities rights to use the bridges, including the identity of each such other railroad entity.
 - e. Identify for each bridge, maintenance practices on the bridges, including painting practices and whether and what years lead based paints were applied to and removed from the bridges.
 - f. Identify for each bridge, by approximate dates, whether the Company and the other railroad entities carried passengers or freight, and, if freight, the sources and nature of the freight.
 - g. Identify for each bridge, the approximate daily crossings by the company and by each other railroad entity.
6. Elevated Bridges and Highways Owned or Operated by Others which are Located above Facilities Owned or Operated by the Company. Identify all elevated bridges and highways crossing over Facilities owned or operated by the Company. For such elevated bridges and highways, identify the owners and operators of the bridges and highways and the easements, rights of way or other legal relationship between the Company and the owners or operators of the bridges and highways; the drainage systems from such bridges and highways that drain onto a Facility; and how the drainage from the elevated structure has historically been managed at the Facility.
7. Other Rail Entities Utilizing Company Facilities. Identify all Facilities (including tracks at Facilities and bridges over Newtown Creek) to which railroad entities (including the Company, affiliates and non-affiliates) have or have had rights to use, identify each railroad entity, the permitted activities, the dates of such permitted activities and the lease, license or other agreement by which such right to use was granted by the Company.
8. Releases From Operating Locomotives and Rolling Equipment.
- a. Identify typical releases of waste materials (including hazardous substances, industrial wastes and other wastes, including petroleum) from trains now and previously operated by the Company, including releases from exhaust, engines, leaks, lubricated parts, or any other, and whether from locomotives or other rolling equipment. Please include releases, including from coal-furnace steam locomotives, diesel locomotives and electric locomotives utilizing PCB transformers.
 - b. Identify whether Company trains, in operation, have discharged or released, or if any regulatory authority has alleged that the Company has discharged or released any wastes, including without limitation, coal or diesel exhaust containing hazardous substances, diesel or hydraulic oil, petroleum, non-petroleum oil or other waste materials, and identify with specificity all wastes that may have been or are typically released from operating trains (including trains of different

- vintages, during the period of the Company's ownership or operation of the Facilities) and, if applicable, the volume per mile of such discharges.
- c. Identify, by date and author, studies and reports possessed by the Company discussing such releases and provide a copy of such reports and studies including Executive Summaries of each such report and study identifying waste materials released and the fate of materials following release.
 - d. Identify locomotives owned by the Company operating in the Newtown Creek area by type (e.g., steam, diesel, electric or other) and the time periods that such equipment was used by the Company.
 - e. Identify by date and author studies and reports possessed by the Company discussing such releases and provide a copy of each such report and study identifying waste materials released and the fate of materials following release.
9. Releases and Spills at or From Facilities. Identify all releases or spills of hazardous substances, industrial waste, and other wastes (including petroleum) that were reported to any regulatory authority by the Company and by any other entity that operated at any Facility including the disposition of each such spill or release.
10. Operations at Company Facilities. Describe the Company's railroad car and locomotive maintenance and washing operations conducted at each Facility during the Company's period of ownership or operation, including: the nature of maintenance and washing activities; the equipment serviced; waste disposal practices; and the entity or entities servicing equipment at the Facility.
11. Sunnyside Yard. Identify all current and prior ownership or operating rights of the Company in and to the facility known as the Sunnyside Yard in Queens County, New York. Identify repair, maintenance or cleaning activities now or formerly conducted on Company locomotive or other rolling stock at the Sunnyside Yard. Identify activities by periods including specifically the period while the Company was owned by the Pennsylvania Railroad and the period while the Company was owned by the Metropolitan Transportation Authority. State whether the Company or its parent Metropolitan Transportation Authority acquired title to any part of the Sunnyside Yards from the Pennsylvania Railroad Company or its successors and, if so, identify the transferor, the date of such acquisition and the portions of the Sunnyside Yard so acquired.
12. Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:
- a. Owned any portion of Newtown Creek or wetlands associated with Newtown Creek (see, e.g., An Act to Incorporate the Long Island Rail-Road Company, Section 21 (1834)) available at <http://www.lirrhistory.com/lirrhist.html> and see also Kosciuszko Bridge Project Report cited at Question 4.a above).
 - b. Asserted control or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including, without

limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments, including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or over-water facilities.

- c. If the answer to either subparagraph “a” or “b” of this paragraph is yes, please i) identify the areas owned or controlled, or the area over which the company has or had a right to use, ii) provide an explanation of how and from whom the Company acquired such ownership or control, iii) provide a copy of all title documents, leases, permits or other instruments where such right was derived, and d) describe all activities conducted pursuant thereto.

13. Civil Litigation, Administrative Enforcement and Criminal Matters:

- a. Has the Company been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from a Facility or any other facility located within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its disposition, briefly describe the nature of the Company’s involvement in the litigation and provide a copy of the pleadings and any final order.
- b. Has the Company or an affiliate been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination with respect to any facility located within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, state the Company’s understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.
- c. Has the Company or an employee, affiliate, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at any Facility? If so, describe the disposition of such accusation and provide details on such accusation.

14. Company Freight Operations. Identify the freight operations currently and previously conducted by the Company on land within 1,000 feet of Newtown Creek and on the waters of Newtown Creek.

- a. Land-based Freight Operations. Identify and describe freight operations, if any, currently conducted and freight operations previously conducted by the Company within 1,000 feet of Newtown Creek, including identification of businesses served, items handled as freight, ownership and operation of tracks, sidings, extensions or spurs connected to the Long Island Railroad system; easements, licenses or other arrangements between the Long Island Railroad, the business entities served; procedures for loading and unloading freight, and information relating to spills or releases in connection with such freight operations. Please provide literature, studies and reports which describe freight operations. Please also provide a copy of Maps of Freight Stations and Private sidings (referred to at

website for Greater Astoria Historical Society at <http://www.astorialic.org/topics/industry/lirr/volume7/volume7.shtml> This webpage also identifies certain businesses served by the Company for freight operations.

- b. Freight Operations on, adjacent to or over Newtown Creek. Identify and describe freight operations conducted by the Company on or over the waters of Newtown Creek, including wharfs, docks and other in-water or adjacent to water infrastructure owned or operated by the Company to provide freight services, vessels used by the Company in freight operations and the nature of the freight business conducted by the Company, including freight operations at or from the Blissville Docks just above Dutch Kills on Newtown Creek proper. Please provide literature, studies and reports which describe the Company's freight operations on or adjacent to Newtown Creek.

Section 3.0 Description of the Facilities

15. Provide the following information for each Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise for the period of the Company's ownership of any Facility:
 - a. Address and borough, blocks and lot numbers of each Facility;
 - b. property description of Facility and estimate of total acreage;
 - c. all surveys and drawings of each Facility which are in your possession showing:
 - i. current configurations and improvements of each Facility; and
 - ii. previous configurations and improvements during the entire period of the Company's ownership of each Facility.
 - d. sanitary sewer system and catchment area information, including drawings, sewer easements, surveys or maps showing location and configuration:
 - i. current sanitary sewer; and
 - ii. previous sanitary sewers during the period of the Company's ownership of each Facility.
 - e. storm water sewer system and catchment area information, including drawings, surveys or maps showing:
 - i. current storm water sewer; and
 - ii. previous storm water sewer during the period of the Company's ownership of each Facility.
 - f. State whether any outfalls, ditches, drains, direct discharge facilities or other conveyance features discharge directly or indirectly into Newtown Creek (including Dutch Kills or other tributary). Provide surveys or drawings showing:
 - i. current configuration; and
 - ii. previous configurations during the period of the Company's ownership of each Facility.

- g. For all items identified in the previous subparagraphs, locate each such item on a Facility map or plan, provide the date of installation, and state whether such items are still in service or, if not, when they were removed from service.
- 16. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
- 17. Provide copies of any storm water or Facility drainage studies, including data from sampling conducted at each Facility on stormwater, sheet flow, or surface water runoff. Also provide copies of any stormwater pollution prevention, maintenance, or spill plans developed for different operations during the Company's operation of each Facility.
- 18. Connections to New York City sewer system:
 - a. State whether each Facility is connected to the New York City sewer and the date that the Facility was first connected;
 - b. State whether any Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;
 - c. State whether each Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, and whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;
 - d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;
 - e. Provide copies of all permits and permit applications for industrial wastewater discharge permits;
 - f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;
 - g. Provide copies of all periodic monitoring reports for wastes discharged through the sewer system; and
 - h. Provide copies of all invoices from New York City or the New York City Water Board for water and/or wastewater charges including any wastewater allowances.

Section 4.0 Regulatory Information

- 19. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation of each Facility, the activity regulated and

the applicable federal, state and local statute or regulation from which such regulation was derived.

20. Describe all notices of violation received by the Company during its period of ownership of each Facility from each governmental agency that regulates the Facility and the disposition of each such notice of violation.
21. Provide a list of all local, state and federal environmental permits which have been applied for or issued to the Company with respect to each Facility for any media, e.g., water (including State Pollutant Discharge Elimination System and National Pollutant Discharge Elimination System, New York City sewer, Industrial Pretreatment Program or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal or state permit and the applications for each permit.

Section 5.0 Facility Releases, Investigations and Remediation

22. Identify all environmental incidents including spills, emissions, discharges and releases of waste materials that required corrective action at any Facility during the time that the Company owned said Facility. For each such incident identify the material discharged and the corrective action taken.
23. Identify all actions by the Company to investigate or remove contaminated soil at any Facility during the period of Company's ownership and provide a copy of all environmental studies and reports relating thereto.
24. Identify all actions by the Company to investigate or treat surface water and groundwater at any Facility during the period of Company's ownership and provide a copy of all environmental studies and reports relating thereto.
25. Identify all actions by the Company to investigate sediment, geology, hydrology, or air quality on or about any Facility and provide a copy of all environmental studies and reports relating thereto.
26. Describe any remediation or response actions that the Company has ever taken or is currently taking at any Facility, either voluntarily or as required by any regulatory authority, if such information is not otherwise already provided in response to any other question in this Information Request. Provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on each Facility.

Section 7.0 Compliance with this Request and Financial Information

27. Persons and Source Materials Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all source materials that the Company reviewed in responding to this request, including, but not limited to:
 - a. the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and
 - b. a description and the location of where all sources reviewed are currently located, and the questions to which such source materials relate.
28. Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.
29. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.
30. Indemnification:
 - a. Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with any Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and
 - b. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with any Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify by the Company.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
NEWTOWN CREEK SUPERFUND SITE

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

COMPANY NAME

SIGNATURE

Sworn to before me this _____ day of _____, 2012

Notary Public

My commission expires: _____

[STAMP OR SEAL]